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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,509	12/31/2003	Rob Goldberg	RG-1-js	1967

7590 06/14/2005  
Michael I. Kroll  
171 Stillwell Lane  
Syosset, NY 11791

EXAMINER
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SWARTHOUT, BRENT

ART UNIT	PAPER NUMBER
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2636

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/750,509

Applicant(s)

GOLDBERG, ROB

Examiner

Brent A. Swarthout

Art Unit

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12-31-03</u> . | 6) <input type="checkbox"/> Other: ____.  |

1. Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 14 "a respective one of said indicia of time" has no antecedent basis.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

a. Claims 1 and 7-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pesa in view of Jones.

Pesa discloses a parking time indicator key fob comprising housing 20, timing device 38, display 40, time setting means (Fig. 4), and alarm means 50, except for specifically stating that an alarm is given before the time reaches zero.

Jones discloses a portable parking time alarm device, wherein an alarm is given when the time reaches a value indicative of an approach to zero time remaining (abstract).

It would have been obvious to give an alarm before expiration of a parking period in a device as set forth by Pesa in order to permit a user to return to a vehicle before a ticket was issued.

Regarding claim 7, Pesa discloses digital display 40 (Fig. 5).

Regarding claim 8, Jones teaches use of setting button S1, for setting and stopping timer, and also hour and minute control buttons S2 and S3.

Regarding claim 10, Jones teaches use of audible alarm (column 5, line 2).

Regarding claim 11, Pesa teaches use of chain 18 and key ring 16.

Regarding claim 13, choosing to have the housing in the form of a parking meter would have been an obvious manner of design choice, the shape merely for aesthetic reasons, the shape providing no functional operational advantages for the device.

3. Claims 2,3,4,5,6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pesa in view of Jones and Michael.

Pesa and Jones disclose a parking timing alarm system as set forth above, except for specifically stating that the display has indicia.

Michael teaches desirability of using an index line 16 in conjunction with time indicia scale (Fig. 1), to enable a user to determine how much time is left on a timer.

It would have been obvious to use indicia as suggested by Michael in conjunction with a timer device as disclosed by Pesa and Jones, in order to provide a redundant indication of time remaining.

Regarding claim 3, Michael teaches use of dial 15 to rotate index 16.

Regarding claim 4, Jones teaches use of window 35 to display time remaining.

Regarding claim 5, Michael teaches use of indicator "pin" 16. Choosing to place pin between display and window would have been an obvious manner of design choice, merely depending on user preference, since the placement does not affect operability of the device.

Regarding claim 14, indicator pin 16 corresponds to indicia indicating remaining time.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Staniszewski discloses an electronic timer device.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent A. Swarthout whose telephone number is 571-272-2979. The examiner can normally be reached on M-F from 6:30 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass, can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Brent A Swarthout  
Examiner  
Art Unit 2636

**BRENT A. SWARTHOUT  
PRIMARY EXAMINER**